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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To repeal the USA PATRIOT Act and the FISA Amendments Act of 2008,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEUBE introduced the following bill; which was referred to the
Committee on _____

A BILL

To repeal the USA PATRIOT Act and the FISA
Amendments Act of 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Our Civil Lib-
5 erties Act”.

6 **SEC. 2. REPEAL OF USA PATRIOT ACT AND DESTRUCTION**
7 **OF CERTAIN INFORMATION.**

8 (a) REPEAL.—The USA PATRIOT Act (Public Law
9 107–56) is repealed, and the provisions of law amended

1 or repealed by such Act are restored or revived as if such
2 Act had not been enacted.

3 (b) DESTRUCTION OF CERTAIN INFORMATION.—The
4 Director of National Intelligence and the Attorney General
5 shall destroy any information collected under the USA
6 PATRIOT Act (Public Law 107–56) and the amendments
7 made by such Act, as in effect the day before the date
8 of the enactment of this Act, concerning a United States
9 person that is not related to an investigation that is ac-
10 tively ongoing on such date.

11 **SEC. 3. REPEAL OF THE FISA AMENDMENTS ACT OF 2008**
12 **AND DESTRUCTION OF CERTAIN INFORMA-**
13 **TION.**

14 (a) REPEAL.—The FISA Amendments Act of 2008
15 (Public Law 110–261; 122 Stat. 2477) is repealed, and
16 the provisions of law amended or repealed by such Act
17 are restored or revived as if such Act had not been en-
18 acted.

19 (b) EXCEPTION.—Subsection (a) of this Act shall not
20 apply to sections 103 and 110 of the FISA Amendments
21 Act of 2008 (Public Law 110–261; 122 Stat. 2477).

22 (c) DESTRUCTION OF CERTAIN INFORMATION.—The
23 Director of National Intelligence and the Attorney General
24 shall destroy any information collected under section 702
25 of the Foreign Intelligence Surveillance Act of 1978 (50

1 U.S.C. 1881a), as in effect the day before the date of the
2 enactment of this Act, concerning a United States person
3 that is not related to an investigation that is actively ongoing
4 on such date.

5 **SEC. 4. INCREASE TERM LENGTH OF JUDGES ON FOREIGN**
6 **INTELLIGENCE SURVEILLANCE COURT; RE-**
7 **APPOINTMENT; APPOINTMENT OF SPECIAL**
8 **MASTERS TO ADVISE COURTS.**

9 (a) TERMS; REAPPOINTMENT.—Section 103(d) of the
10 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
11 1803(d)) is amended—

12 (1) by striking “maximum of seven” and inserting
13 “maximum of ten”; and

14 (2) by striking “and shall not be eligible for re-
15 designation”.

16 (b) SPECIAL MASTERS.—Section 103(f) of such Act,
17 as amended by section 3 of this Act, is further amended
18 by adding at the end the following new paragraph:

19 “(4) SPECIAL MASTERS.—

20 “(A) The courts established pursuant to
21 subsections (a) and (b) may appoint one or
22 more Special Masters to advise the courts on
23 technical issues raised during proceedings before
24 the courts.

1 “(B) In this paragraph, the term ‘Special
2 Master’ means an individual who has techno-
3 logical expertise in the subject matter of a pro-
4 ceeding before a court established pursuant to
5 subsection (a) or (b).”.

6 **SEC. 5. ELECTRONIC SURVEILLANCE OF SPECIFIED PER-**
7 **SONS WITHOUT REGARD TO SPECIFIC DE-**
8 **VICE.**

9 Section 105(c)(2)(B) of the Foreign Intelligence Sur-
10 veillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amend-
11 ed to read as follows:

12 “(B) that, upon the request of the appli-
13 cant, any person or entity shall furnish the ap-
14 plicant forthwith all information, facilities, or
15 technical assistance necessary to accomplish the
16 electronic surveillance in such a manner as will
17 protect its secrecy and produce a minimum of
18 interference with the services that such carrier,
19 landlord, custodian, or other person is providing
20 that target of electronic surveillance;”.

21 **SEC. 6. ADDITIONAL PROVISIONS FOR COLLECTIONS**
22 **UNDER THE FOREIGN INTELLIGENCE SUR-**
23 **VEILLANCE ACT OF 1978.**

24 (a) IN GENERAL.—Title VII of the Foreign Intel-
25 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.),

1 as amended by section 3 of this Act, is further amended
2 to read as follows:

3 **“TITLE VII—ADDITIONAL**
4 **PROVISIONS**

5 **“SEC. 701. WARRANT REQUIREMENT.**

6 “Notwithstanding any other provision of this Act, no
7 information relating to a United States person may be ac-
8 quired pursuant to this Act without a valid warrant based
9 on probable cause.”.

10 (b) TABLE OF CONTENTS AMENDMENTS.—The table
11 of contents in the first section of the Foreign Intelligence
12 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as
13 amended by section 3 of this Act, is further amended by
14 striking the items relating to title VII and section 701 and
15 inserting the following new items:

“TITLE VII—ADDITIONAL PROVISIONS

“701. Warrant requirement.”.

16 **SEC. 7. PROHIBIT GOVERNMENT MANDATED “BACKDOORS”**
17 **INTO ENCRYPTION AND PRIVACY TECH-**
18 **NOLOGY OF ELECTRONIC DEVICES AND**
19 **SOFTWARE.**

20 Notwithstanding any other provision of law, the Fed-
21 eral Government shall not mandate that the manufacturer
22 of an electronic device or software for an electronic device
23 build into such device or software a mechanism that allows

1 the Federal Government to bypass the encryption or pri-
2 vacy technology of such device or software.

3 **SEC. 8. MANDATE ANNUAL GAO COMPLIANCE EVALUA-**
4 **TIONS.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall annually evaluate compliance by the
7 Federal Government with the provisions of the Foreign In-
8 telligence Surveillance Act of 1978 (50 U.S.C. 1801 et
9 seq.).

10 (b) REPORT.—The Comptroller General shall annu-
11 ally submit to Congress a report containing the results of
12 the evaluation conducted under subsection (a).

13 **SEC. 9. PROHIBIT RETALIATION FOR WHISTLEBLOWER**
14 **COMPLAINTS.**

15 (a) AUTHORIZATION TO REPORT COMPLAINTS OR
16 INFORMATION.—An employee of or contractor to an ele-
17 ment of the intelligence community that has knowledge of
18 the programs and activities authorized by the Foreign In-
19 telligence Surveillance Act of 1978 (50 U.S.C. 1801 et
20 seq.) may submit a covered complaint—

21 (1) to the Comptroller General of the United
22 States;

23 (2) to the Permanent Select Committee on In-
24 telligence of the House of Representatives;

1 (3) to the Select Committee on Intelligence of
2 the Senate; or

3 (4) in accordance with the process established
4 under section 103H(k)(5) of the National Security
5 Act of 1947 (50 U.S.C. 3033(k)(5)).

6 (b) INVESTIGATIONS AND REPORTS TO CONGRESS.—
7 The Comptroller General shall investigate a covered com-
8 plaint submitted pursuant to subsection (b)(1) and shall
9 submit to Congress a report containing the results of the
10 investigation.

11 (c) COVERED COMPLAINT DEFINED.—In this sec-
12 tion, the term “covered complaint” means a complaint or
13 information concerning programs and activities authorized
14 by the Foreign Intelligence Surveillance Act of 1978 (50
15 U.S.C. 1801 et seq.) that an employee or contractor rea-
16 sonably believes is evidence of —

17 (1) a violation of any law, rule, or regulation;
18 or

19 (2) gross mismanagement, a gross waste of
20 funds, an abuse of authority, or a substantial and
21 specific danger to public health or safety.

1 **SEC. 10. PROHIBIT INTERFERENCE WITH REPORTING OF**
2 **WASTE, FRAUD, ABUSE, OR CRIMINAL BEHAV-**
3 **IOR.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, no officer or employee of an element of the
6 intelligence community shall take any retaliatory action
7 against an employee of or contractor to an element of the
8 intelligence community who seeks to disclose or discloses
9 covered information to—

10 (1) the Comptroller General;

11 (2) the Permanent Select Committee on Intel-
12 ligence of the House of Representatives;

13 (3) the Select Committee on Intelligence of the
14 Senate; or

15 (4) the Office of the Inspector General of the
16 Intelligence Community.

17 (b) ADMINISTRATIVE SANCTIONS.—An officer or em-
18 ployee of an element of the intelligence community who
19 violates subsection (a) shall be subject to administrative
20 sanctions, up to and including termination.

21 (c) DEFINITIONS.—In this section:

22 (1) COVERED INFORMATION.—The term “cov-
23 ered information” means any information (including
24 classified or sensitive information) that an employee
25 or contractor reasonably believes is evidence of—

1 (A) a violation of any law, rule, or regula-
2 tion; or

3 (B) gross mismanagement, a gross waste
4 of funds, an abuse of authority, or a substantial
5 and specific danger to public health or safety.

6 (2) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given the
8 term in section 3 of the National Security Act of
9 1947 (50 U.S.C. 3003).

10 **SEC. 11. PROHIBIT TARGETING UNITED STATES PERSONS**
11 **UNDER EXECUTIVE ORDER 12333 WITHOUT A**
12 **WARRANT.**

13 (a) PROHIBITION ON TARGETING OF UNITED
14 STATES PERSONS WITHOUT A WARRANT.—Notwith-
15 standing any other provision of law, no United States per-
16 son may be the target of an acquisition under Executive
17 Order 12333 without a valid warrant based on probable
18 cause.

19 (b) AUDIT OF COMPLIANCE WITH PROHIBITION.—

20 (1) AUDIT.—The Comptroller General of the
21 United States shall annually conduct an audit of in-
22 telligence collection under Executive Order 12333 to
23 ensure compliance with the requirement under sub-
24 section (a).

1 (2) REPORT.—The Comptroller General shall
2 annually submit to Congress a report containing the
3 results of each audit conducted under paragraph (1).

4 (c) DESTRUCTION OF CERTAIN INFORMATION.—The
5 Director of National Intelligence and the Attorney General
6 shall destroy any information collected under Executive
7 Order 12333 without a valid warrant based on probable
8 cause concerning a United States person that is not re-
9 lated to an investigation that is actively ongoing on the
10 date of the enactment of this Act.